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Clauses 2 to 5, the Schedule and clause 1 were separately put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

' *that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

IV.—GOVERNMENT MOTIONS.

(1) AMENDMENT TO SCHEDULES III AND IV TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920).

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

' *that the draft amendments to the Madras District Municipalities Act,* 1920 (*Madras Act V of* 1920) *which it is proposed to make in exercise of the powers conferred by section* 305-*A of the District Municipalities Act,* 1920 (*Madras Act V of* 1920) *be approved.*'

" Sir, the draft rules [a] have been placed before the House. They are self-explanatory. These are made for the convenience of the proceedings of the councils and these amendments are necessary for carrying on the administration with respect to taxation, etc. This is the sum and substance of these rules. These rules were made during the time of the Advisers. The rules were afterwards considered and necessary adjustments were made for administrative convenience and they are now finalized and placed before the House for approval."

* SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, —I cannot say I am raising a point of order—but, if you see Re-enacting Bill No. III, there are certain amendments introduced there to the rules in various schedules. For instance, take page 11, in rule 4 (i) of Schedule II of the said Act, an amendment is proposed. Again take page 22. It is stated that in rule 2 of Schedule III to the said Act, after sub-rule (2), the following sub-rule shall be added, etc. Sir, while in certain cases the sub-rules form part of the regular Bills introduced, I do not understand why in respect of certain other rules, a motion of this kind should be made. They could have been straightaway included in the schedule to the Bill which the Hon. Mr. Madhava Menon introduced. I want to know whether these are rules framed under the schedules or they are rules amending the schedules."

THl HON. SRI K. CHANDRAMOULI :—" They are rules amending the schedules."

SRI R. SURYANARAYANA RAO :—" Therefore, they form part of the Act."

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[a] Printed as Appendix III on pages 285-290 infra.

THE HON. SRI K. MADHAVA MENON :—" The position is this. The District Municipalities Act, 1920, has got six schedules relating to various matters such as taxation and these schedules are passed as part of the Act. These rules have not been placed before the Assembly. But, now the rules relating to the schedules have to be placed before the Assembly. That is what is being done by Mr. Chandramouli. Sri Suryanarayana Rao referred to the Act of 1942 that is contained in the third Repealing Bill. The amendments there are to the main sections 306, 321, 363, etc., and the last amendment is an amendment to the schedule of the Act which is in the form that " The following are to be added after such and such a rule." The Advisers' Government put the schedule as part of the Act instead of putting it separately. Therefore, the Hon. the Minister for Local Administration has brought in these amendments to those rules separately now."

* SRI R. SURYANARAYANA RAO :—" May I take it that the Advisers' regime were not correct in taking the schedule as part of the Bill or Act which they have passed and that they should have put them separately? "

THE HON. SRI K. MADHAVA MENON :—" They could have done it."

* SRI R. SURYANARAYANA RAO :—" I can understand it. Instead of a schedule, it formed part of the Act. Sir, there is another defect in these rules to which I wish to draw the attention of this House. Evidently, Sir, till the Advisers took action in the year 1940, municipalities were not required to appoint municipal commissioners. We do not know what the rules are governing the appointment of municipal commissioners. As far as we are aware, a lower division clerk in the Secretariat or a Sub-Registrar in the mufassal or a District Panchayat Officer in a district can be appointed as a municipal commissioner. There are some who are holding these appointments of municipal commissioners simply because the Government took it into their heads to appoint unqualified people to these posts. In order that they may be trained, the municipalities are asked to pay the costs during the period of their training. Is it fair? What are the arrangements that Government have made for training municipal commissioners? Have they laid down the qualifiiations for recruitment of these municipal commissioners? Government did not do all that. Government want to appoint whomsoever they like for these posts of municipal commissioners. If so, why the municipalities should be asked to pay the cost of their training? Is it fair? It is true it was done during the Advisers' regime. But is it fair on the part of a popular Government to impose a burden on a municipality simply because Government want the Commissioners to be trained? Government themselves concede that they

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should receive training but at the expense of the municipalities before they can discharge their duties satisfactorily. I wish the Government had not come forward with such an amendment.

"Then, Sir, about the publication of the proceedings of the municipal councils. It is true that during the war, as part of paper economy, the publication of proceedings of municipal councils was dispensed with. But is it right to make it a permanent rule? Should the citizens be deprived of the knowledge of what is taking place in the municipal councils? Should they not have access to some public document such as the gazette in which proceedings would be published, to enable them to see what is being done by the municipal councils. All of them may not be visitors to the councils to know the proceedings. Therefore, there should be some public document to which they can refer and from which they can obtain the knowledge of what happens in the municipal councils and in respect of which they may make representations to the proper authorities. To prevent all that, Sir, is to deny the public the right to know what is happening in municipal councils. I do not think it is due to paper scarcity. For the present, paper scarcity may exist and it may cease afterwards. As soon as paper scarcity ceases, these proceedings must be published and the published documents should be available to any citizen who wishes to refer to them. Provision is made for the payment of travelling allowance to municipal commissioners for their journey on transfer. Who is the authority that transfers them? The municipal council is not consulted. Only when a vote of no confidence is passed by a two-thirds majority, the municipal council can be held liable. To impose a liability by forcing a commissioner on them whom they do not like and asking them to pay for transfering him, is not fair. (The Hon. Sri B. Gopala Reddi : Who is to pay?) It is the Government which appoint them and transfer them and punishes them. The municipality has no power to punish them. Simply because the Government think that a particular commissioner should be transferred say from Hindupur to Chicacole, the municipality should not be asked to pay his travelling allowance. It is not fair. The Advisers' Government could have done whatever it liked, because they wanted to relieve the Government of the burden of paying all these."

12 noon.

MR. PRESIDENT :—"Who pays the salary of the commissioner?"

* SRI R. SURYANARAYANA RAO :—"The municipality pays. So long as he serves the municipality it pays him. Again it is the Government that decides what grade of municipal commissioner should be appointed to a municipality. A first-grade municipal commissioner, for instance, is appointed to a municipality whether that municipality is in a position to pay him or not."

THE HON. SRI K. CHANDRAMOULI :—"Certainly not."

* SRI R. SURYANARAYANA RAO :—" There is a provision that the income should be so much and so on. It may be that a person may become a first-grade commissioner because the Government think him to be competent to be a first-grade commissioner, but the municipality may not feel the same way. This is not covered by any of the rules.

" I feel, Sir, that in view of the Hon. Minister's intention to revise the whole District Municipalities Act and make it more democratic, I wish these rules had not been brought forward. He could certainly have asked for a short extension of life of one year to enable him to consider what amendments have to be made to the rules framed during the Advisers' regime. There is no need for the Government at any rate to bring forward all the rules and re-enact them permanently."

THE HON. SRI K. CHANDRAMOULI :—" Sir, the hon. Member, Mr. Suryanarayana Rao, has raised some objections to some of the rules that have been placed before the House. The municipal commissioners are no doubt appointed by the Government, but they were appointed not as Government servants but as servants of municipalities. There is a distinction between Government servants and local bodies servants. When once they are appointed, they become part and parcel of the administration just like other servants of the municipalities. They come under the same category. That is why the necessary expenditure should be borne by the municipalities themselves. At first the Government appointed certain people as municipal commissioners, as my hon. Friend, Mr. Suryanarayana Rao, pointed out, but afterwards specific rules were made with regard to the appointment and promotion of the officers concerned—the deputy panchayat officers, the panchayat officers and the commissioners. Commissioners are now mainly recruited from the deputy panchayat officers upwards and the managers of first-grade municipalities."

SRI R. SURYANARAYANA RAO :—" Mainly recruited and not solely recruited."

THE HON. SRI K. CHANDRAMOULI :—" There will always be some exceptions however perfectly the rules may have been framed. That is why, it is but proper that so long as the present position of the municipalities and the local boards continues, they should bear all these costs. I can assure Mr. Suryanarayana Rao that hereafter practically there will be no need for the training of these people. It is only a temporary phase. Even there the Government may bear a part of the expenditure. There is some provision.

" Sir, as for the publication of the proceedings of the municipal councils, Mr. Suryanarayana Rao himself admits that there is paper scarcity. So long as the scarcity is there, this rule should continue.

When once there is plenty of paper, I assure him that this will be repealed. Also, Sir, as he has himself observed, we are going shortly to propose new Bills regarding municipalities and local boards. We may bring in a comprehensive Bill in the light of all these remarks. I therefore request the House to accept the motion."

SRI N. SANKARA REDDI :—" Suppose a sanitary inspector who is a municipal servant is appointed as a Municipal Commissioner and transferred, then who is to pay his travelling allowance? "

THE HON. SRI K. CHANDRAMOULI :—" The municipality concerned."

The motion was put and carried.

(2) AMENDMENT TO SCHEDULES II, IV, V AND VII TO THE MADRAS LOCAL BOARDS ACT, 1920 (MADRAS ACT XIV OF 1920).

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

'*that the draft amendments*[a] *to the Madras Local Boards Act*, 1920 (*Madras Act XIV of* 1920), *which it is proposed to make in exercise of the powers conferred by section* 201-*A of the Madras Local Boards Act*, 1920 (*Madras Act XIV of* 1920), *be approved*.'

" These amendments are also on similar lines to the amendments which we have already discussed. I hope the House will accept the amendments."

SRI R. SURYANARAYANA RAO :—" Sir, I hope that the assurance that the Hon. Minister gave with regard to the publication of the proceedings of the district municipalities will apply to this case also and that as soon as the necessity for the restriction ceases, he will restore the old position."

* THE HON. SRI K. MADHAVA MENON :—" Sir, there is no necessity to restore the former rule which made it obligatory to publish the proceedings in the Gazette. Under the present rule, the proceedings should be published in the office, should be sent to the Collector and a few other officers. Even now it is open to the District Board if they can get the money and the paper to publish the proceedings. There is no need to compel them to publish the proceedings."

SRI R. SURYANARAYANA RAO :—" Sir, it is clearly stated that the intention of the amendment is to dispense with the publication of the proceedings of the district boards. We want to make publication obligatory on the district boards."

THE HON. SRI K. CHANDRAMOULI :—" I have assured the hon. Member already that this question will be looked into when the necessity for it ceases. It need not be repeated several times."

The motion was put and carried.

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[a] Printed as Appendix IV on pages 290–296 infra.